S. HRG. 99-630

NOMINATION OF FRANK H. DUNKLE

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

ON

THE NOMINATION OF FRANK H. DUNKLE TO BE DIRECTOR, FISH AND WILDLIFE SERVICE

APRIL 23, 1986

Printed for the use of the Committee on Environment and Public Works

U.S. GOVERNMENT PRINTING OFFICE

60-912 O WASHINGTON : 1986

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

S321-25

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ROBERT T. STAFFORD, Vermont, *Chairman*

JOHN H. CHAFEE, Rhode Island	LLOYD BENTSEN, Texas
ALAN K. SIMPSON, Wyoming	QUENTIN N. BURDICK, North Dakota
JAMES ABDNOR, South Dakota	GARY HART, Colorado
STEVE SYMMS, Idaho	DANIEL PATRICK MOYNIHAN, New York
GORDON J. HUMPHREY, New Hampshire	GEORGE J. MITCHELL, Maine
PETE V. DOMENICI, New Mexico	MAX BAUCUS, Montana
DAVE DURENBERGER, Minnesota	FRANK R. LAUTENBERG, New Jersey

BAILEY GUARD, *Staff Director*
LEE O. FULLER, *Minority Staff Director*

CONTENTS

OPENING STATEMENTS

	Page
Baucus, Hon. Max, U.S. Senator from the State of Montana	4
Chafee, Hon. John H., U.S. Senator from the State of Rhode Island	6
Stafford, Hon. Robert T., U.S. Senator from the State of Vermont	1
Symms, Hon. Steve, U.S. Senator from the State of Idaho	9

WITNESS

Dunkle, Frank H., nominee to be Director, Fish and Wildlife Service	2
Response to a committee questionnaire	22

NOMINATION OF FRANK H. DUNKLE

WEDNESDAY, APRIL 23, 1986

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 2:10 p.m., in room 406, Dirksen Senate Office Building, Hon. Robert T. Stafford (chairman of the committee) presiding.

Present: Senators Stafford, Baucus, Chafee, and Symms.

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Senator STAFFORD. The Committee on Environment and Public Works will please come to order. This afternoon our purpose is to hear the President's nominee for the position of Director of the U.S. Fish and Wildlife Service, Mr. Frank H. Dunkle.

In this position Mr. Dunkle would be responsible for protecting and managing this Nation's migratory birds, it's threatened and endangered species, certain fish and marine mammals, and 90 million acres of lands within the national wildlife refuge system. Maybe we should add moderate Republicans, who also seem to be an endangered species.

Mr. Dunkle currently is the Fish and Wildlife Service's coordinator for the Colorado River endangered fishes project in Denver. In that capacity he's been working with Federal and State agencies, water development interests, and environmental organizations to resolve, where possible, potential conflicts between the protection and recovery of several endangered species of fish, on the one hand, and the development of the Colorado River's water resources on the other.

Mr. Dunkle's diverse background includes considerable experience in education and fish and wildlife management. He holds bachelors and masters degrees in wildlife management from Montana State University and worked for the Montana Fish and Game Department for close to 20 years, including 10 years as that agency's director.

In 1972, Mr. Dunkle left the Montana Fish and Game Department and founded a private consulting firm. Two years later he was elected to the Montana State Senate. From 1978 to 1980, Mr. Dunkle was the executive director of the Montana Mining Association. He became the executive director of the Montana Republican State Central Committee in 1980, the staff director of the Federal Government's Mountain Plains Federal Regional Council in 1981,

and joined the Fish and Wildlife Service in Denver in 1983 when the council was abolished.

With that brief sketch of your background, let me welcome you, Mr. Dunkle, and inquire of whether or not Mrs. Dunkle is able to be here with you. If she is, we would like to be able to say hello to her, and maybe she'll waive a hand so we'll know she's here.

Welcome to the committee and to your husband's, I expect, confirmation. Before we proceed further, the Chair will, without objection, reserve to members who aren't able to be here at this moment, the right to enter their opening statements, if they wish, immediately following my own.

And I think at this point, also, I'm going to, reserve the right of committee members to submit questions in writing to you, Mr. Dunkle, for your prompt response so it will expedite our determination on advising and consenting with your appointment.

Having said all that, Mr. Dunkle, if you have a statement this would be a good time, and we would be delighted, to hear it.

STATEMENT OF FRANK H. DUNKLE, NOMINEE TO BE DIRECTOR, U.S. FISH AND WILDLIFE SERVICE

Mr. DUNKLE. Mr. Chairman, thank you. My statement says "and distinguished members of the committee," but I guess, Mr. Chairman, at this time, I should address my remarks to you.

Senator STAFFORD. I was going to say, they'd all admit that that title is correct. But they are on the Senate floor this afternoon voting on the budget resolution which explains why not more Members are able to be here.

Mr. DUNKLE. That's fine, Senator. I am Frank Dunkle, and it is an honor to appear before you as the President's nominee to be Director of the Fish and Wildlife Service. If confirmed, it will be the greatest privilege of my career to serve as Director. I am a fish and wildlife manager by training. I have worked all of my adult years in the resource field, and most of it has been in the fish and wildlife profession.

I believe that America's fish and wildlife and their habitats rank among the top values cherished by our people. These renewable resources have played a key role in man's progress on this continent. And today, this Nation has established itself as a world leader in the stewardship of these creatures and their environments.

I have served in the legislature of my home State and I am a firm believer in close coordination between the executive and the legislative branches in determining the future of our natural resources. It is my intention to work closely with this committee toward the achievement of the very best that we can provide for enhancement of fish and wildlife for the citizenry of this country.

For 10 years I served as director of the Montana Fish and Game Department; and for the past 3 years I've been employed by the U.S. Fish and Wildlife Service. These responsibilities, and my other years of experience in the wildlife field, have prepared me for the challenge that I hope I will be able to meet as the Director.

The Secretary of the Interior has outlined his goal to build a national consensus on broad policy matters within the Department's jurisdiction. I am confident that, as Director, I can make a signifi-

cant contribution toward reaching this goal. We are a nation of diverse interests, but we also are a people united in our desire to maintain and enhance healthy wildlife populations throughout this land for the enjoyment of this and future generations.

I know that conflicts always accompany the development of our natural resources, and often these conflicts relate to the protection of wildlife. I have found in nearly every case, when such wildlife-related conflicts arise, there are solutions that will allow the use of the resource and, at the same time, protect wildlife values through the application of reasonable and prudent alternatives. Such alternatives may not please everyone, but I have found they can be structured to provide a proper balance that will serve the best overall interest of the wildlife and the people.

I love the outdoors and outdoor-related recreation. In my younger days, I hunted and fished enthusiastically. More recently, I enjoyed teaching my children the outdoor skills I acquired and enjoy, and I take pleasure in watching them renew their spirits in these pursuits that are historic and traditional in our country.

Many Americans today need and enjoy these hunting and fishing experiences. Others do not. But I believe almost all Americans have a need for wildlife. It is a resource extremely important to photographers, birdwatchers, hikers, naturalists, and all outdoor recreationists. These are the users. And I believe that even those who are unable to get out among wildlife enjoy the reassurance of knowing that our wildlife exists and that its future is in trustworthy hands.

I have learned through my experiences that in a growing society, such as we have, these fish and wildlife values are not self-sustaining. They require help and they require commitment to wildlife management by the Federal Government and by the governments of our States.

Management and conservation of our wildlife resources must be a partnership between State and Federal agencies together with private landowners. Our 434 national wildlife refuges comprise a unique wildlife conservation system that is the largest in the world. But this system encompasses only a small part of what is required for the healthy fish and wildlife populations that a citizenry, such as ours, requires and demands.

Fortunately we have millions of square miles of State and Federal parks and forests and refuges that provide excellent habitat for wildlife. Much more also is provided by privately owned lands. Most landowners strive to protect their lands and are proud that portions of their lands can help provide havens for wildlife. This attitude in the private sector is an essential and increasingly important ingredient in maintaining our fish and wildlife resources.

We can build upon these existing relationships that benefit fish and wildlife, and we can improve them by doing a better job of decisionmaking and by increasing respect and support for our actions through sound management.

Land acquisition is an area that requires innovation. An example of what this means, is being accomplished in the Rocky Mountain and the Great Plains States region, in which I was most recently employed by the Fish and Wildlife Service.

A conservation group, Ducks Unlimited, donated more than $1 million for wildlife habitat land acquisition. This money will be used by the Fish and Wildlife Service in close coordination with the State to acquire lands in South Dakota, one of our most important duck production areas.

This is an outstanding example of private-public cooperation for the benefit of an important wildlife resource. While encouraging this land protection approach wherever feasible, I also realize that there will be instances in which the key pieces of land that may be viewed as essential to certain wildlife species, may become available only through direct fee acquisition by the Federal Government.

I would like to see increased initiatives to expand our cooperative endeavors to address critical fishery resource problems, particularly those associated, with the restoration of depleted, nationally significant, interjurisdictional fish stocks. A current example is the Service's cooperative effort with the States of Maryland and Virginia, and others to restore striped bass to the Chesapeake Bay and the Atlantic coast. Similar efforts are warranted for other depleted fishery resources. In sum, I am committed to a course that would direct the Service's unique and diverse research and management capabilities to conserving our Nation's priority anadromous and inland fishery resources.

I am well aware that the Senate and the American people, for that matter, are concerned about Government expenditures, and that measures have been initiated aimed at addressing these concerns. The Fish and Wildlife Service will meet the resulting challenges, while continuing to protect our fish and wildlife resources. We will seek, and we will find, innovative methods to operate within fiscal constraints that may be necessary.

I look forward to the opportunity to serve with Secretary Hodel and Assistant Secretary Horn, and to be a part of the Interior management team. If confirmed, I pledge myself to work for the long-range benefit of the fish and wildlife resource and the American people. It will be my honor and my responsibility.

Thank you, Mr. Chairman.

Senator STAFFORD. Thank you very much, Mr. Dunkle.

Two of my colleagues have now joined me, and, Senator Baucus, I guess you came in next. Do you have a comment or an opening statement?

OPENING STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM THE STATE OF MONTANA

Senator BAUCUS. Yes. Thank you, Mr. Chairman. I want to welcome Mr. Dunkle. It is particularly appropriate because the President has nominated a Montanan.

Senator STAFFORD. I saw that.

Senator BAUCUS. He was director of the then fish and game commission for the State of Montana. It's changed names now. But, Frank, I want you to know that I appreciate that you've been nominated, and also I want you to know that I think you did a good job when you were then director.

Mr. Chairman, Montana's wildlife, as you well know, are nationally acclaimed. I note that Senator Chafee is here. He was recently in Montana and I know he can attest to that. The trophy elk, grizzly bear, bald eagle, mountain goat, bighorn sheep, moose, deer, and wolf, all call Montana home. And Frank Dunkle, in his many years working with the State, particularly in the natural resources and wildlife of the State, knows that.

He has an outstanding record on his work and has done an outstanding job protecting wildlife and natural resources in our State. I would like to cite a few examples.

He instituted the scientific management of the Sun River and Gallatin elk herds. He also promoted legislation requiring teenagers to take a course in hunter safety before they could hunt. And I might add, Mr. Chairman, that I was an eighth grader at Hawthorne School at Helena, MT, and I took a course with Frank Dunkle in rifle safety.

He was a major force behind the development and passage of the Montana Stream Preservation Law and the development of clean water standards with the State. He also promoted and carried out a program through which certain streams were designated Montana recreational waters.

He was a strong proponent of strip mine land reclamation long before it became a national issue. And at his urging, five Montana criteria for reclamation were incorporated into Montana's Surface Mine Land Reclamation Act, the toughest strip mine land reclamation act in the entire country.

He set up an environmental resources division within the then fish and game department. This division assumed authority for special planning projects, pollution control, administration of the stream preservation law, review of water projects, pesticide matters, and other problems such as mining and reclamation. His finest hour, however, may have been his opposition to pollution of the Clark Fork River by the Anaconda Mining Co.

A strike had stopped pollution abatement of the river. Frank went to the Governor and the State attorney general for help. And when they refused to oppose powerful interests, Frank filed an injunction against the Anaconda company and the union to prevent pollution of the Clark Fork.

But despite his achievements, Frank has been somewhat controversial in our State. There seems to be a pre-1972 Frank Dunkle and a post-1972 Frank Dunkle. The pre-1972 Frank Dunkle singlehandedly took on powerful interests for the cause of protecting the environment. The post-1972 Frank Dunkle actively collaborated with, if I might say this, those who wanted to or tended to not pay as much attention to the environment as I think you and I think they should. It is the post-1972 side that frankly concerns me.

As a member of the Montana State Senate, Frank served on the environmental quality council. In that capacity he was viewed by some as working to expand the role of industry's influence on the council's work. Some questioned whether he wanted to gain balance or to accommodate every whim of industry.

If it was to ensure a fair balance, then that is one thing. If it was to gut environmental laws, then that is something else. As executive director of the Montana Mining Association, Frank character-

ized environmentalists as ecofreaks, and warned of an environmental conspiracy to subvert the economic, social, and moral fabric of the Nation.

This type of rhetoric doesn't seem to fit the mold of a pragmatic professional resource manager. And I believe it is not fitting for the Director of the U.S. Fish and Wildlife Service. There are those who focus on this negative side of Frank's professional life. They question whether he is qualified to act as steward of the country's fish and wildlife resources.

I also have some reservations about Frank's commitment to the resource. But your life, Frank, in Government demonstrates both the will and the capacity to be a proficient resource manager. I am basically an optimist. I like to look at the positive.

The Director of the Fish and Wildlife Service is an extremely important position. I believe that you can rise to that occasion. I plan to support you. But in doing so, I plan to hold you to a higher standard, one that will protect this Nation's fish and wildlife resources.

In considering your qualifications, we need to think back on recent history. Former Interior Secretary James Watt was perceived as being aligned, too much so, to economic interests. He was given to overstatements against environmentalists. Secretary Watt was extremely controversial. Many of his policies polarized people. Many of his policies, I think, harmed resource management. And as a result, Secretary Watt's effectiveness in administering and protecting the Nation's natural resources under his charge was greatly diminished.

If you are confirmed, I urge you to keep Secretary Watt's experience in mind. You need to rebuild the support that you once commanded as director of Montana Fish, Game, and Parks. You would need to prove by your deeds, as you did when you were directing fish and game service in Montana, that you are a true champion of the wildlife and fish resources of this Nation.

I welcome you to this new position. At the same time, all of us plan to hold you to the highest standard. Thank you.

Senator STAFFORD. Thank you very much, Senator Baucus. Senator Chafee?

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator CHAFEE. Thank you, Mr. Chairman. Mr. Dunkle, I have here a copy of a speech that you gave in 1979 when you were executive secretary of the Montana Mining Association, called "The Titanic Revolution." I'll just give you some excerpts:

> Yes, I said revolution. America is in the middle of a radical movement and many of you have been in its battles. It is popularly called the environmental movement. * * *
>
> There is no identifiable leader of the movement; no one spokesman. They do have Robert Redford, of course, as well as Nader, Brower and Commoner, but we can't tell who will restructure our society following the chaos. In fact, we may face a situation much like that in Iran because the environmentalists have gained some sympathetic help from many sides—women's and labor groups, Indian tribes, and even sportsmen who pay dues to the National Wildlife Federation. * * *
>
> And perhaps the most important problem with identifying the revolution as such is its skillfully designed fragmentation which has drawn millions of followers who

haven't the slightest idea what its broad goals are. There are thousands of small, local issues which fit into the total picture: stop this dam right here in our backyard because it will destroy our fishing hole—preserve our hiking area as wilderness. * * *

I hope you're listening carefully because you're going to be the person, if confirmed, who's going to be responsible for many of these areas that, at least in this speech, you seem to develop a marking tone toward.

* * * prevent litter on our State's highways—stop the subdivision because it will effect the winter game range of our elk, and so forth. * * *

We can't even get our own Alaskan oil because the building of ports and potential pipelines are beseiged.

I don't know what you're referring to there.

All of these, you understand, are separate issues. No hydro production is in sight because of tiny plants or snail darters—endangered species which may make man the most endangered species. . . . Water projects are being stopped or reserved for fish.

Is this the kind of language that we expect from somebody who is going to be the head of Fish and Game, and Fish and Wildlife for our country? I'd be interested. One of the duties that has been traditional for you or the person occupying this job is the Secretary of the Interior's representative on the Endangered Species Exemption Committee, and it does seem, at least in this speech, that you adopted a marking tone toward endangered species.

Is this the way you feel now, or is this the attitude you'll bring into this job?

Mr. DUNKLE. Mr. Chairman?

Senator STAFFORD. Yes, Mr. Dunkle.

Mr. DUNKLE. Senator, that speech was given in 1979. It was a stance taken. I think there were frustrations among all of us, those wanting more, are those wanting less. I think I took a view from the far end to call the people's attention to the fact that there were problems and they needed to be solved and to be reviewed together.

If you will note, at the end of the speech there is an insert which says that, after giving this speech, I was criticized for using the general term "environmentalist" when I was talking about a few radical members of that movement who did not believe in economic growth or any use of our natural resources. It pointed out that many persons who called themselves "environmentalists" had a deep-felt and sincere concern for the environment but were also very loyal American citizens and loyal to our form of government and economic system. I heartily appreciate that fact.

However, one of the purposes of this speech was to point out that these sincere people were being used by the no-growth leaders to work on local issues which were a part of the larger revolutionary movement. I was trying to alert the members of the environmental organizations to be aware of the broad goals of their leaders and to consider how their energies and money were being spent. After all, it was these sincere members who could change the direction of the major environmental organizations and change them away from the political and economic directions which they were then taking.

And I think, Senator, 7 years later, almost to the day if you will note the date the speech was given, the movement has changed from one characterized by not talking, not giving, not sitting down

and talking, and not trying to reach any kind of agreement, to one where we now find all of us working together.

I have not changed from what I was before as Senator Baucus said. I still believe in resource management and use, and I believe strongly it can be done through consensus and through cooperation and people working together. And I was not mocking in this speech in any way. I am a firm believer, and always have been a supporter, of the Endangered Species Act. I think endangered species are an important part of our total ecosystem and we really can not justify doing away with any of them.

I feel strongly that 1979 was a time when, if you weren't totally for something, you were against it. I was trying to bring out some of these problems. You will note a great deal of the speech is based on quotes.

Senator CHAFEE. Well, when Mr. Watt came before us, one of his great thesis was balance, what we must have is a more balanced approach toward environmental problems. But sometimes balance obviously is in the eye of the beholder where it's balanced. And we discovered from Mr. Watt that what he considered balanced was way off from what most of this committee considered balanced and, indeed, from what the American people considered balanced.

And so, I think using the term balance is always a dangerous one. Furthermore, I think in your duties you're not going to find that you're able always to keep the homeowners satisfied when it comes in conflict with the wintering of the elk, for example.

In your statement you say:

> One environmental leader even went to so far as to take her child to a hearing on grizzly bear habitat and have the youngster plead with the hearing officers to save the grizzly so she could see one when she grows up.

Well, I don't know whether that's such a ridiculous idea.

Senator Baucus was talking about the great State that he comes from and which you've been associated with so long. The national parks in Montana probably have more, as you well know, grizzly bears than any State in the Nation, considerably more. And I think to save that for the future isn't such a foolish idea.

Well, my time is up. I might have some questions later, Mr. Chairman.

Senator STAFFORD. All right, thank you, Senator Chafee. Mr. Dunkle, are you prepared to appear willingly in front of any committee of the U.S. Congress, that asks you to come as a witness?

Mr. DUNKLE. Yes, sir.

Senator STAFFORD. Do you know personally of any responsibility or holdings of property that you may have that would place you in a conflict of interest position if you're confirmed in this position?

Mr. DUNKLE. No, sir; I do not have any.

Senator STAFFORD. All right. I have just one question at this point, Mr. Dunkle, and then I'll recognize Senator Symms.

Mr. Dunkle, what do you view as the appropriate role of the Fish and Wildlife Service in implementing the program established by section 404 of the Clean Water Act? And may I assume you're familiar with section 404?

Mr. DUNKLE. Yes; section 404, of course, between the Army Corps of Engineers and the Fisn and Wildlife Service is now being implemented under a new memorandum of agreement.

Senator CHAFEE. Mr. Dunkle, I wonder if you could pull that mike a little bit closer or tip it a little. It's a little hard to hear. Thank you.

Mr. DUNKLE. Is that coming through all right?

Senator STAFFORD. I think so. Our mikes came over on the Mayflower and they don't work very well.

Mr. DUNKLE. I'm sorry. I was not aware of it. Section 404 permits, involving the Corps of Engineer and Fish and Wildlife Service—to come back to where we were—are now being handled under a 1985 MOA—memorandum of agreement—between the two organizations. The new MOA, I think, puts us in a better position to deal with the corps and for the corps to deal with us.

I think the major thing we have to keep in mind is that for it to work, and there are a few times we have tried elevation of a permit, we have to be more aggressive in pushing the memorandum of agreement so that the mitigation requirements are met for the resource. If they are not met, we will elevate, and we must be aggressive about that. For it to work, we have to be much more aggressive.

Senator STAFFORD. All right. I certainly agree. Thank you. I'm going to recognize Senator Symms for an opening statement and then, in fairness to all present, we would go to Senator Baucus next for questions. So, Senator Symms, if you have an opening statement, this would be the time for it.

OPENING STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Senator SYMMS. Mr. Chairman, thank you very much, and I will restrain myself from asking any questions. I have had a very good meeting with Mr. Dunkle in my office and I'm satisfied that he has the best interests of the Fish and Wildlife Service, and what goes with that job, in mind and is dedicated to do a good job for the President and for the country in the administration of it. So, I will be happy to support your nomination.

I also want to say that I had the opportunity to meet Mr. Dunkle years ago when he was involved in politics in Montana. I think that he can do a good job for us. I think he's sensitive to the issues. He didn't answer all the questions the way I'd like to hear. I might just say to the committee that I'm not happy at all about this national effort for lead shot. I'm not convinced that that's the right thing for the country to be doing, but I think I may be outvoted on that issue.

I'm not convinced that the Endangered Species Act should have some major modifications when we spend literally hundreds of thousands of dollars protecting snails and other types of things. We've got a problem in Idaho right now with the Bruno snail and he didn't give me the answer I wanted to hear on that subject. Senator Chafee might have liked his answer better than I did. But, by and large, I think it does call for balance and a commonsense ap-

proach, and you have to go by the laws. I'm convinced that you will do that.

So, I thank you for this opportunity, Mr. Chairman. You have my support. If you do bring this to a vote, please vote me yes.

Senator STAFFORD. Thank you very much, Senator Symms. I doubt we'll vote today, but we will at the first opportunity. We may, if there's no objection, try polling out first.

Senator SYMMS. OK, thank you.

Senator STAFFORD. Senator Baucus, do you have questions?

Senator BAUCUS. Yes, Mr. Chairman. Following up a little bit on some of the questions that Senator Chafee asked, I'd just like to quote one other statement in that speech. I don't mean to be selective in finding isolated statements in this speech, but there's enough in here to raise some questions, honest, legitimate questions.

One is this, from that same speech that Senator Chafee referred to, "If environmentalists have their way, your children may never own a home." That one just strikes me as particularly inflammable, along with some of the other statements in this speech that Senator Chafee mentioned and the two of you discussed.

I guess what bothers me is that even though you were then, Mr. Dunkle, an executive director of the Montana Mining Association, it seems to me that all executive directors, all heads of all organizations have certain responsibilities. And if, as you say, your intention was to resolve certain issues, to resolve problems, it seems to me that is the exact opposite intention. That is, not intending to resolve the problem that the mining association may have had with certain elements in the environmental movement in the State, but that's very confrontational, it's very inflammatory, it's a call to arms, it's a fight. It's not to resolve, it's not to compromise, it's not to find a solution.

My question really goes to, I guess, your personality and your sense of values as a person, and even as a representative of an organization. How could you be so inflammatory in a statement like that when as head of an organization if, as you say, you were trying to work toward a resolution, toward a solution to some of the differences that existed between the Montana Mining Association and other groups in the State who had a different point of view, a different legitimate point of view, but were concerned about the environment in the State?

Mr. DUNKLE. Mr. Chairman?

Senator STAFFORD. Mr. Dunkle.

Mr. DUNKLE. Senator, can you state your question again?

Senator BAUCUS. Yes; my question is, How can you in good faith, make a statement like that if, as you say, you're trying to achieve a resolution, a solution?

Mr. DUNKLE. As I pointed out, Senator, in the speech I was trying to bring out the problems beginning to appear from the straight, no-growth, do-nothing attitude. I think if you'll look at the whole sentence and the whole paragraph that you spoke from, I was talking about the possibility of the cost of the average house going to the $250,000 level. It has not quite increased to that level, but it has made the $150,000 bracket for houses of some size.

Senator BAUCUS. Not in Montana.

Mr. DUNKLE. That is true, but it has in Denver and Washington and in other places. But my point is, in answer to your question, some of the things that were said were pretty strong, but so were statements from the other side. And it was an opportunity to discuss both points of view.

I think you will find that at this point in time, both sides are now willing to talk about the problems, are willing to seek solutions, but that they were not willing to meet and talk about problems before.

Senator BAUCUS. But do you think that's a good way to achieve resolution, to give such a wildly inflammatory speech? It's raw meat, you threw them raw meat just to excite them instead of trying to find a solution and a resolution to the problem.

That frankly concerns me.

Mr. DUNKLE. Senator, shortly after that, you'll find that the various people who were at odds, the development and the conservation community, began to work together. And until all of it was brought out and said, that was not happening.

Senator BAUCUS. Are you saying the housing cost increases are due to environmentalists? Aren't housing cost increases due to interest rates and—not so much now, but last year's was up so high and that's why housing costs are so high? It's environmentalists that are causing housing costs to go up, is it? Are you saying that?

Mr. DUNKLE. No, Senator, I——

Senator BAUCUS. "If environmentalists have their way, your children may never own a home."

Mr. DUNKLE. I guess I was speaking as an economist, in the sense that you make predictions and they don't develop. But yes, had the movement been carried to its ultimate, there could be the possibility that the opportunity to use the natural resources of the timber industry which is what that was pointed at, would not have been available, because it would have been locked up and not harvestable. As it turns out, the economy is such that they are not harvesting timber, so there it is.

Senator BAUCUS. You mentioned that even though perhaps housing costs haven't risen as high as $150,000 on average in Montana, they have in other parts of the country. I think you mentioned Denver. It's my understanding this speech really is not your words.

Mr. DUNKLE. Say again?

Senator BAUCUS. That this speech really is taken from a speech given by somebody else, and you just took this speech by and large and gave it for yourself. Is that right?

Mr. DUNKLE. That is correct. All of the highlighted parts of the speech are direct quotes from other people's writings and are so documented.

Senator BAUCUS. I don't mean to put words in your mouth, but I must ask the question. It sounds like you willy-nilly just took someone else's speech, and it's a good inflammatory speech, and you just gave it as your own before the Montana Mining Association, is that correct?

Mr. DUNKLE. No, sir, that is not correct.

Senator BAUCUS. Where did you get this speech?

Mr. DUNKLE. I wrote the speech.

Senator BAUCUS. I understand that you took the main heart and soul, the substance of this speech, you took it from somebody else. I won't call it plagiarism or stealing, but you took this speech from someone else, and you gave it as your own. Maybe these aren't your words.

Mr. DUNKLE. I think if you would look at the printed speech, you'll see there are areas set out and in quotes, and those were taken from other people's publications. That's a perfectly recognizable way to put a speech together if you're trying to make a point. And you will find they are so indicated in the speech as quotes and by highlighting. This is an acceptable way of using excerpts from other people's writings.

Senator BAUCUS. But you're doing that in addition to the quotes. Apart from the quotes, you're saying the rest of the words are your very own that you wrote and drafted yourself, other than the quotes that you used, is that correct?

Mr. DUNKLE. Yes, sir.

Senator BAUCUS. Or did you take all the speech from somewhere else?

Mr. DUNKLE. No; I did not take the speech from somebody else. I took quotes and put it into my text.

Senator BAUCUS. But the sentence, "If environmentalists have their way, your children may never own a home," that's not a quote in the speech.

Mr. DUNKLE. No; that's mine.

Senator BAUCUS. You honestly felt that at that time.

Mr. DUNKLE. I guess I did. It was 7 years ago when things were not going well for either side, and it was a case of trading of words and fighting. I was stating another side of the question as to where we were going. I have not altered my stance as a conservationist or as a manager. I was merely pointing out some of the problems in the speech.

I don't feel I have assumed a second stance, nor have I become a different person. I think those were things that needed to be said for the development community, and I was putting them into a framework to be considered. I'm not saying they were right or they were wrong, anymore right or anymore wrong than some of the statements made by Mr. Nader, Mr. McCloskey, and others.

I made the statements at a time when we were all working with frustrations. You have to realize that many members of the environmental community weren't saying nice things to me, because I was still seeking the center line, middle-of-the-road approaches where we could work together. I don't see it as an inflammatory speech, but then I might not give it again after all this.

Senator BAUCUS. If that's not inflammatory, what would you regard as an inflammatory speech?

Mr. DUNKLE. I think there were some strong statements in it.

Senator BAUCUS. So strong, but not inflammatory.

Mr. DUNKLE. I don't think it was, not any more inflammatory than some of the statements by others.

Senator BAUCUS. Well, we're not talking about others.

Mr. DUNKLE. I understand that. However, it was other people's statements that caused this speech to be made.

Senator BAUCUS. Well, I have no more suggestions. I just strongly urge you to be reasonable, and I strongly urge you to be a good steward, and the trust will be placed in you as it is in us. And stewards are held to higher standards. All of us are. That's the way it should be. The environment is placed in you as trustee. You're a steward. And all of us will be watching to make sure that you maintain that high standard.

Mr. DUNKLE. Senator, I think your request is a proper one, and I can assure you I will act with good judgment and good understandir and I wouldn't keep anybody from trying to find proper approaches to the resource problems the Service has to face. I understand I have to answer to this group. I have no hesitancy about that because I have a great deal of pride in my professional——

Senator BAUCUS. Well, I'm only saying I hope you don't have to answer to this group.

Mr. DUNKLE. I'm saying I would answer to you right or wrong. I don't think you will have any reason to find fault with the approach, although you may find a difference of opinion.

Senator BAUCUS. Thank you.

Senator STAFFORD. Thank you, Senator Baucus. The man who will be overseeing you more than any other member of this committee, with the possible exception of Senator Baucus, is the chairman of our subcommittee which has jurisdiction, Senator Chafee, who has already asked you some questions. And I will recognize him at this point.

Senator CHAFEE. Thank you, Mr. Chairman. Mr. Dunkle, I just want to follow up on what Senator Baucus was saying. I just don't want any confusion here. In my judgment, it's not adequate that you be an honest, moral, upright person. In this job we expect you to be an advocate for fish and wildlife. We're not confirming you for the highway administrator. A highway administrator's duty is to battle for highways. The duty of a fish and wildlife head of the Service is to support and fight for the elements that he's concerned with. And if you're going to be a dispassionate observer, in which maintaining peace and being honest are the only requirements, I'm not sure you're the man for the job.

There are all kinds of problems that develop. The saving of wetlands; in the savings of wetlands you're going to be dealing with developers. And in that situation, one way is to take a balance; give one-half of the wetlands to the shopping center and save the other one-half. That's balance. That's being a dispassionate, reasonable person. But that doesn't save the wetlands for future generations.

Why don't you tell me a little bit about your views on wetlands. I'd be interested.

Mr. DUNKLE. Wetlands are the very basis for the Nation's waterfowl production and have been disappearing rather rapidly. We have also had a drought problem, which is probably the major basis for our decreased waterfowl populations.

Senator CHAFEE. Which is, what, down 40 percent in the last 6 years?

Mr. DUNKLE. Yes, sir. The mallard population is roughly at 2 million, which, in some of the central areas is pretty cataclysmic. Without habitat you don't have wildlife. In the case of waterfowl

60-912 O - 86 - 2

and other species related to wetlands, if you don't have wetlands, you don't have those species.

I think the acquisition program depends on the money that's available and on innovation as to how we get more wetlands, either through leases, straight fee acquisition, or trades. I'm an advocate of wetlands and, I always have been. I think my record shows my support for wetlands for land acquisition for habitat.

Senator CHAFEE. Let's take this situation. Under 404, as you know, those activities that are nonwater dependent are refused the right to use wetlands. In other words, it's one thing if it's a marina that needs access to water, but it's another thing if it's a shopping center that wants to locate in a marsh.

What's your attitude toward that situation? These are the problems that you're going to have to pass judgment on. Many of them come in and say well, what we'll do is we'll provide mitigation. This wetland is just right at the intersection of two interstate highways, ideal for a shopping center, so we'll put a shopping center there, but we'll create another wetland for you up the road here. Now, what's your reaction toward that?

Mr. DUNKLE. I would have to see the plans for creating a wetland. I would have a little bit of trouble with it because I don't think you're going to be able to create a wetland like that. In many instances you can move the highway or not build it.

Senator CHAFEE. I'm not talking about the highway. The highway is there. I'm talking about the shopping center.

Mr. DUNKLE. You can also move or not build the shopping center.

Senator CHAFEE. Well, that's the question. You don't have to build it and you don't have to move it because it's not built yet. The question is the Fish and Wildlife's view on this wetland. A marvelous place, I mean, it's perfect for the developer. Every pressure in the world comes forward saying put it here, it couldn't be better for the public, think of the tax base, and all you're going to do is just get rid of 40 acres of wetlands. There's some rubber tires in it anyway.

Mr. DUNKLE. I'm under the impression such a development in a wetland area would cause concern under section 404 still. If we put it into resource category one, I'm under the assumption our recommendation to the corps will be not to issue the permit. They may not issue it. But I also know the corps could issue it regardless of our recommendations. That's hopefully where elevation comes in.

Senator CHAFEE. Now let's talk about elevation a bit. To elevate is kind of a courageous thing. They don't like to elevate. Give us some of your thoughts on that. Would you hesitate to elevate a corps permit decision?

Mr. DUNKLE. No, sir; I've dealt with the corps for 35 years and I find they don't hesitate to do what they think they should do. I don't think we should either and I never have.

Senator CHAFEE. They've got a very clear idea of what they want to do. There's no word of balance in their terminology.

Mr. DUNKLE. I understand that.

Senator CHAFEE. They're full speed ahead, and anybody that gets in the way gets rolled over. They're not bogged down by balance. They're not going to be arguing for saving wetlands or preserving

the grizzly or saving habitat. And, in your position, you're going to be called on to stand up to them.

Mr. DUNKLE. Does that require a comment or may I make a comment?

Senator CHAFEE. I'll be glad to hear a comment.

Mr. DUNKLE. I think that you will find, and I can refer to my past for you, I have not been hesitant to argue or fight with the corps over those things that I think are proper for the resource. I would have no hesitancy at this point in my career to do the same thing. And I think the new memorandum of agreement very forceably states we can elevate. It is going to take an aggressive stance by the Fish and Wildlife Service to elevate. You are quite correct. They don't like to elevate. They would rather settle it and go on. I have no hesitancy to make the stand for the resource with the corps.

Senator CHAFEE. All right. Let's talk a little bit about the steel-lead shot controversy. Let me give you a situation now. Representative Roy Dyson, from Maryland, seeks to expand the Steven's amendment.

Are you familiar with that dealing with the steel shot and the lead shot?

Mr. DUNKLE. Yes, sir.

Senator CHAFEE. And here's the situation. In certain States where the Fish and Wildlife Service doesn't want lead shot used in, say, it preserves, they have just said there's no hunting there, because the State will not agree to steel shot only. And so, what the Fish and Wildlife has said in certain areas is all right, no hunting on our preserves.

Now, what the Dyson amendment says is that Fish and Wildlife cannot stop hunting in one of its preserves based on this steel-shot prohibition, or prohibition on lead shot. What's your view on that?

Mr. DUNKLE. If the Congress passes the amendment, I presume then the Fish and Wildlife Service would be bound by that amendment. But there are several areas in the 50 States where counties have been set aside to be closed to hunting if, in fact, steel shot is not used. And under the Steven's amendment, we have to deal with the State.

However, we're dealing with the Endangered Species Act on this lead-shot closure for eagles and habitat areas for eagles. We have negotiated with really all of the States for those closed areas, and we have refined some zones. However, there are several States that feel we don't have a proper stance for some of the areas for steel-shot or lead-shot closures.

I think the best information we have indicates there is a problem for eagles in those areas. We feel comfortable with the documentation, and we have essentially said those areas are going to be closed to hunting unless you use steel shot.

Senator CHAFEE. All right. Now, what the Dyson amendment says is you can't do that any more.

Mr. DUNKLE. If that's passed, then——

Senator CHAFEE. No, it hasn't passed. But if called to testify, what would you say?

Mr. DUNKLE. I would have to oppose the amendment in order to allow us to go ahead with the proper management technique.

Senator CHAFEE. In your statement you say:

You realize that there will be instances in which key pieces of land may become available only through direct fee acquisition by the Federal Government.

That's true, but there are going to be many places where, despite the limited funds, you're going to have to move forward and acquire lands.

Am I correct in saying that the Service is more than 1.5 million acres short of acquiring the habitat that was identified in 1977. Remember the schedule that was put out? And that they're way behind?

Mr. DUNKLE. Yes, I think you'd be accurate in saying we're way behind.

Senator CHAFEE. And so, I just hope that you'll come up here battling for acquisition funds. You mentioned habitat being the key to wildlife, right?

Mr. DUNKLE. Yes, sir.

Senator CHAFEE. You're not going to be always able to get easements or similar nonfee acquisition. So you're going to have to buy in some instances, right?

Mr. DUNKLE. I agree. The best we can do is to put in our budget those amounts of money we think are correct, that are acceptable, and ask for them. It will be your discretion as to whether we get them or not. I will be in asking, if I'm confirmed, for land acquisition funds because I believe in land acquisition. If it weren't for winter game ranges in the West, you just wouldn't have elk, as Senator Baucus is quite aware.

Senator CHAFEE. Well, I agree with that. When I was visiting Senator Baucus' State, they showed me the very places at the foothills there where——

Mr. DUNKLE. The same is true for waterfowl.

Senator CHAFEE. Well, Mr. Chairman, you're right in that I have a deep interest in what Mr. Dunkle will be doing. Let me also say this, Mr. Dunkle, that this committee is here to help you. We're not here to just be out on a witch hunt. This is the committee you turn to when you want some help. And we want you to succeed.

And so, it isn't solely in an oversight. The word oversight has a tone of reprimand, if you would, to it. We're here to be helpful. If you think you can get more land acquisitions through some form of charging where you're not charging now, that's something that would appeal to us. As a matter of fact, we have instigated legislation for greater charges than presently you have.

So I hope that you will not only come up with a request for purchases of land acquisition, but that you will think of innovative ways to pay for it; through charging the public more, through user fees, or whatever. I would look to you to do that.

Mr. DUNKLE. Senator, one of the things I also said in my statement was that I recognize there has to be a closer association between the executive and the legislative areas. I believed that firmly when I was in the executive branch of the State and then in the legislative branch. I can assure you, if I am confirmed, I will follow this strong feeling to deal more directly with the committees.

I don't fear a committee, having been on committees. I think you are our greatest backer and can give us the kinds of tools we need if we give you the reasons we need those tools.

Senator CHAFEE. Thank you.

Senator STAFFORD. Thank you, Mr. Chafee.

Senator Baucus.

Senator BAUCUS. Mr. Chairman, just a couple of questions here. Senator Chafee, in his opening questions this last round, I think touched on a core question; namely how you see your role as director.

I would just like to know on a scale of zero to 10, with zero being arch developer and 10 being arch proponent of wildlife, 5 being middle balance, in a zero sum game when there is no other alternative, it's one way or the other, how you see yourself. Where will you come out? Are you a zero, are you a 1, are you a 4, 7, 5, where are you? How do you see yourself?

Mr. DUNKLE. Senator——

Senator BAUCUS. Keeping in mind that there are other agencies who have other goals and other commitments, which often is not the wildlife. I think Senator Chafee, is by and large correct when he talks about the corps. The corps, you know, they've got one mission and that's to build.

Let's take the Endangered Species Act. You know, BLM has certain missions, the Forest Service has certain missions, the Fish and Wildlife Service has another mission in administrating the Endangered Species Act.

So where are you on a scale of zero to 10, 5 being right down the middle balancing everything out? Where are you? Zero is follow it all up and develop it, 10 is you want to protect it, this is sacred. Where are you?

Mr. DUNKLE. I don't know how to answer your question, Senator, because it would depend on the situation. But I'll give you a general answer to your general question. If it is a decision that has to be made for the protection of the resource, then I'll make the decision to protect the resource.

Senator BAUCUS. So you're there for—and I don't want to put words in your mouth—you're about a six or a seven or an eight?

Mr. DUNKLE. Let's try an eight.

Senator BAUCUS. You're an eight. You're going to stand by that.

Mr. DUNKLE. That all depends.

Senator BAUCUS. Wait a minute. You said you're an eight. If a decision comes before you, again zero sum game, you can't find something else and obviously you should try——

Mr. DUNKLE. Now, wait a minute.

Senator BAUCUS. I'm saying obviously you should try to find some solution that accommodates different points of view. But sometimes that's not possible. Now, when we get down to that, we're getting down to the nitty-gritty of it. I'm just trying to find out how you see your role.

Mr. DUNKLE. All right. You've redefined what you asked me. Your question became more specific or I misunderstood your question. You're saying to me that zero to 10, zero is to dig or 10 is not to do it.

Senator BAUCUS. Right.

Mr. DUNKLE. And you're saying a situation arises where there is compromise.

Senator BAUCUS. Where it's really one way or the other.

Mr. DUNKLE. Then I am a 10.

Senator BAUCUS. You are. OK, that's good to hear. Well then, if that's the case, let me ask you this. In your opening statement, and I'm quoting from you:

> I have found that in nearly every case when such wildlife related conflicts arise there are solutions that will allow use of the resources and at the same time protect wildlife values through the application of reasonable and prudent alternatives. Such alternatives may not please everyone, but I found that they can be structured to provide a proper balance that will serve the best overall interest of wildlife and people.

I want to know what those two sentences mean. Looking at that, it seems to me you're in all cases looking for an evenhanded balance between the resource and the environment. Resource in this case means, as I understand it, piling it up.

Can you straighten me out here? What do you really mean here?

Mr. DUNKLE. In 9 times out of 10, you can find an approach that will accommodate, for the most part, the needs of both development and the wildlife resource. In those areas where you cannot, then I'm with the Fish and Wildlife Service, then its desires, its call is for the resource and I have to go with that call for the resource on that 10th time, if that's what is necessary.

Senator BAUCUS. By resource you mean the wildlife——

Mr. DUNKLE. I'm talking about the wildlife resource.

Senator BAUCUS. That's what you mean by resource.

Mr. DUNKLE. That is within our——

Senator BAUCUS. I appreciate that. I think I'm heartened to hear that. You also mentioned that you want closer cooperation with the Congress.

Mr. DUNKLE. Yes, sir.

Senator BAUCUS. Everyone says that. We say it, the executive personnel say it. Can you give us some examples of what you have in mind, what you would do to achieve closer cooperation?

Mr. DUNKLE. Certainly, Senator. You might get to know me better even though you know me now. I think that is to get to know the committee that you deal with, involves feeling free to stop in and visit with you regarding the problems and needs of the Service, rather than just coming to a hearing to make a presentation. You talk to every Senator and every Congressman daily which I understand. But there are committees that are necessary for the dealings and the work of the Service.

I fully intend to fulfill part of that role by finding out your needs and letting you know our needs. And I think through such communications we can work a much better deal for the resource. I will throw one out to you—payment in lieu of taxes. You may not think that is a resource problem. I think payment in lieu of taxes on land purchased by the Service is very important because most States now say the Federal Government cannot buy land for waterfowl or for game ranges, unless we get the approval of the Governor or some other approach.

The States have made an ironclad agreement with the counties which says that if we buy land, we will pay you whatever the going

taxes are in lieu of property taxes which we cannot pay. Each year when the tax year comes around, the bill is sent, like it is to every other citizen and landowner, and the bill is paid. Then the Federal or State landowner provides the payment in lieu of taxes.

I think we're going to have more and more trouble buying land, if we go into a well-defined land acquisition program without a guarantee of payment in lieu of taxes. A couple of other agencies in Interior pay 100 percent in lieu of taxes. The Service is paying 58 percent of the payment in lieu of taxes. And it's a complicated formula based on the income from refuge receipts, if there are AUM rentals, for example, and appropriations from Congress.

That's our problem because we haven't come to you and laid it out and said, "Hey, if you don't give us this money, we can't meet our obligations to the State and the county in lieu of taxes." Thus, we're being told not to buy any more land in some areas. I think that's a problem and it's an example of where we might work closer together. If we were to tell you our needs and explain them, this is where I see cooperation and working together.

Senator BAUCUS. Well, that's heartening. In fact, I introduced the payment in lieu of taxes bill when I was in the House about 12 years ago, and I understand the problem very well. I hope we move further in that direction.

I have no more questions except to ask you what your personal preference will be on section 6 funds, trying to work out what the State funds for grizzly management are. The administration has not come forth. They say zero. What's your view?

Mr. DUNKLE. The section 6 moneys are not in the budget. The States generally are better prepared to handle some of the field work and studies. They're there, and they have the field crews out, especially on the endangered species areas that section 6 covers.

Without that money there is work that is not going to be done, or we're going to have to come in and ask you for considerably more money for staff to do some of those studies. And that isn't good sense. The absence of the section 6 moneys, $4.5 million, could work a real hardship on the States. It could mean less impact and less emphasis on the nongame species in the States, which I think is a Federal commitment more than a State commitment. Thus, in your wisdom and judgment you might see the need for Federal-State cooperation on the endangered species field studies with the section 6 moneys. It's your call, not ours now.

Senator BAUCUS. One final question, Mr. Chairman. I don't know the degree to which you've yet dealt with OMB.

Mr. DUNKLE. Say again?

Senator BAUCUS. I don't know the degree to which you've yet dealt with the Office of Management and Budget. I suspect that OMB is going to have a different view on some of these issues now discussed.

Would you provide us with your personal funding requests of OMB when we ask for it?

Mr. DUNKLE. I would think that you, as a committee, can ask me for any kind of material I have and it will be yours.

Senator BAUCUS. Thank you.

Senator STAFFORD. Thank you, Senator Baucus.

Senator CHAFEE. Mr. Chairman, I have one question.

Senator STAFFORD. Senator Chafee.

Senator CHAFEE. Mr. Dunkle, you made a response to a question of Senator Baucus that left me shaking. And that is, you said in 9 out of 10 times we ought to be able to find a compromise. I just don't think that's true. Yes, you can find a compromise with the Corps of Engineers, the highway administrator, or any other private developers in 100 percent of the cases, no question about it. But to think that you can find a compromise 9 out of 10 times, in 90 percent of the cases, that is going to protect the area that you were given the responsibility for, I think is, in effect, giving away the store.

Senator BAUCUS. That's a good question. In fact, when I asked the question, I assumed that there was no compromising of the natural resources.

Mr. DUNKLE. I am assuming, too, there is no compromising the natural resource.

Senator CHAFEE. Yes, but the very answer, it seems to me, says that there's going to be a compromise. Just down where I come from, fortunately, the Fish and Wildlife has sanctuaries near the beach. They've had to lend access to those dunes to the public. The plover is there and the plover will not survive with people going back into the dunes and wandering all over the place.

Now, Fish and Wildlife, there is no compromise. They did what was necessary. But I must say I'm disturbed over your suggestion that 9 out of 10 times you'll be able to find a compromise. Senator Benson has introduced a bill that effectively exempts the construction of Stacey Dam and reservoir in central Texas from the provisions of the Endangered Species Act. His bill directs the corps to issue the necessary section 10 and section 404 permits by November 30 regardless of the impacts the dam and the reservoir will have on the Conshore water snake, a species which the Fish and Wildlife Service has listed as threatened under the Endangered Species Act.

I'm not going to pin you down on this because you don't know the facts and neither do I, but I'm set back by the suggestion that 9 out of 10 times you can work a compromise.

Mr. DUNKLE. Senator, I said we were talking in generalities. It is my understanding the question was: If you could work out something that did not interfere with or take away from the resource and from proper management; if you could find a way to do it, then that could be done. To me, that is a compromise.

I said if you could not find a way to adequately protect the resource, or maybe I didn't say it emphatically enough to adequately protect the resource, then you go to the position of "No you can't do it." I have no problem with that. Maybe I was not clear in my answer to you. I would not leave you with the impression that "we'll give it away and consider it compromise." I don't see that as a compromise.

Senator CHAFEE. Well, Mr. Dunkle, I'll tell you that you're going to be under tremendous pressure from every direction not to save wildlife or habitat, but to get it taken away from the States, from the communities, from the developers, from the Federal Government, arms that reach out and want to pave things. And you're the person that we look to to stand tall and resist these people. And

they've got other avenues to follow through courts and so forth if they're not satisfied with the result, but it's absolutely essential that you be on the ball working there. If you're not, the whole country is going to be paved.

Mr. DUNKLE. Mr. Chairman, when I was a director of a resource agency, I didn't give any store away. And I would not do so as the Director of the Fish and Wildife Service if, in fact, I were confirmed. I was not the person in charge of any of the other things that I was dealing with. I was trying to find ways to do things that would both allow use of the resource but still provide protection. I think the land use approaches on coal mining and reclamation are an example of where coal was dug and land was reclaimed.

We worked out some ways so eagles and perigrine falcons and others would not be affected with reclamation. I would tell you I can point with pride to my background of not giving in, of not going away, though it may be quoted as pre-1972. I didn't give anything away in post-1972 either and I have not been in a position to do so. I've been in the position of trying to find ways of helping companies adopt the right resource approach in terms of seeking permits or seeking use of the resource.

I've worked for the last 3 years on the Colorado River, and we have come up with places where dams are not going to be built or interfere, and it was a case of saying you just can't do anything in these sensitive reaches of the river where you will, in fact, destroy the fish.

I would tell you without qualms or fear that I will be standing for the resource, and I have got lots of bruises to show that I've done it before, and I certainly am not going to change at this stage of my life.

Senator CHAFEE. Thank you. Thank you, Mr. Chairman.

Senator STAFFORD. Thank you, Senator Chafee. You can see, Mr. Dunkle, that you will be under a rather microscopic scrutiny from this committee in carrying out your duties. I think the point has been made that as we view the environment and fish and wildlife, that we will be looking to you to look after those areas and that this committee will give you all the support we can whenever you ask us to, and maybe some times when you don't.

Mr. DUNKLE. Thank you, Mr. Chairman.

Senator STAFFORD. If there's nothing further, we will stand adjourned.

[Whereupon, the committee adjourned at 3:30 p.m.]

[Mr. Dunkle's response to a committee questionnaire follows:]

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ROOM 410 DIRKSEN BUILDING WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and twenty-five (25) copies of the requested information should be made available to Honorable Robert T. Stafford, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Staff Director) as soon as possible.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Dunkle (Last) Frank (First) Harper (Middle)

Position to which nominated: Director, Fish and Wildlife Service Date of Nomination: _____

Date of birth: October 21, 1924 (Day) (Month) (Year) Place of birth: Oakmont, Pennsylvania

Marital status: Married Full name of spouse: Cyernene Halbrook Dunkle

Name and ages of children:

	AGE	
Lesley Jane Dunkle	37	
Richard Frank Dunkle	33	
Marilyn Diane Dunkle	30	
Bruce Harper Dunkle	28	

Education:

Institution	Dates attended From	To	Degrees received	Dates of degrees
Oakmont High School	1938	1942	Diploma	1942
Shady Side Academy	1942	1943	Diploma	1943
Montana State University	1946	1950	B.S.	1950
Montana State University	1954	1955	M.S.	1955

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

SEE ATTACHMEND--Page 1A

Home Address: 8920 W. 4th Avenue
Lakewood, CO 80226

Home Phone Number: (303) 232-6914

Office Phone Number: (303) 236-7909

Attachment
Page 1A

FROM/TO	NAME OF EMPLOYER	ADDRESS	TYPE OF WORK	REASON FOR LEAVING
1937-Jul. 1942	Student	709 Allegheny Ave. Oakmont, PA		
Jul. 1942-Mar. 1946	U.S. Navy			
Mar. 1946-Sep. 1946	Grand Canyon Natl. Pk.	Arizona	Ranger	Go to school
Sep. 1946-Jun. 1950	MT State College	Bozeman, MT	Student	
Jun. 1950-Dec. 1950	MT Fish & Game Dpt.	Bozeman, MT	Warden	Recalled to Serv.
Dec. 1950-Mar. 1952	U.S. Navy			
Mar. 1952-Apr. 1953	Yellowstone Natl. Pk.	Yellowstone,WY	Ranger	Go into business
Apr. 1953-Sep. 1954	Capitol Service	Main St. Kalispell, MT	Owner	Return to School
Sep. 1954-Mar. 1955	Montana St. College		Student	
Mar. 1955-Feb. 1972	MT. Dept. of Fish & Game	Capitol Helena, MT		Run for Gov.
Nov. 1972-Jan. 1974	ECON	1300 Ceder St. Helena, MT	Owner	Sold business
Jan. 1974-Dec. 1978	State of MT State Senate	Capitol Helena, MT	MT State Senator Dist. 15	End of term
Jan. 1974-Jul. 1977	Research Ed. Found.	2030 11th Ave. Helena, MT	Chairman	Closed Found.
Jul. 1977-Dec. 1980	Research Assoc. Frank Dunkle-Owner	2030 11th Ave. Helena, MT		Closed business
Dec. 1978-Jul. 1980	Roger Rice, Mt. Mining Association	Western Energy Billings, MT	Contract Lobbyist	End of contract
Dec. 1980-Nov. 1981	Aubyn Curtiss Republican St. Comm.	1425 Helean Ave. Helena, MT	Ex. Director	Fed. Position
Nov. 1981-Mar. 1983	Dept. of Interior	DFC	Staff Dir.	Reg. Coun. Closed
May 1983-June. 1984	FWS Denver		S/A to Dir.	Dpt. Team Leader
Jun. 1984-Jun 1985	FWS WELUT	2627 Redwing Rd.	Dep. Team Ldr.	S/A to RD
Jan. 1985-Present	FWS-Region 6	134 Union Blvd.	SA to the RD	Present

Note: Jul. 1957-Jun. 1959--Dept. of Public Instruction/Helena, MT
(exec. loan from Fish and Game Comm.)

NO INVOLUNTARY TERMINATIONS

Employment record—Continued

Honors and awards: List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Selected to appear in the 1968 listings of "Community Leaders of America" and "Personalities of the West and Midwest."
Recipient of the 1968 Water Conservation Award for Montana given by the Sears Foundation.
Recipient of the "Green Leaf Award" given by The Nature Conservancy (1 of 10).
Recipient of the ROMCOE Award for Outstanding Environmental Achievement, 1970 (1 given).
Recipient of the American Motors National Conservation Award for 1971 (1 of 5).
Recipient of the National Rifle Association's Hunter Safety Award for 1967 (1 given).
Named Outstanding State Legislator of the Year, 1977 by the National Association of State and Federal Employees (1 of 10).
Military, South Pacific, Victory, Korean

Memberships: List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Past President and life member, Western Association of State Game and Fish Commissioners (14 States); 1970 Chairman of the Central Flyway Council; International Association of Game, Fish and Conservation Commissioners; Wildlife Society; Consultant for Conservation Curriculum Realignment in the Public Schools and University System of Montana; Chamber of Commerce; Lions; Red Cross Drives; Sigma Chi Fraternity; Masonic Lodge; Shrine; National Audubon Society; Colorado Wildlife Federation; Colorado Wildlife Society

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

Educational Background--BS and MS in Wildlife Management

Professional Experience--in the field as a biologist, on a State staff as Chief of Information and Education, on a F&W Regional staff as Special Assistant

Administrative Experience--Director of Montana Fish & Game Dept. for 10 yrs.

Political Experience--as a State Senator, Chairman of Fish & Game Committee

Public Relations Experience--as Director working with landowners, conservation groups, State Legislators, sportsman's organizations, and media. And as Coordinator in F&W Region 6 for Endangered Species in Colorado, worked closely with all groups (developers and enviornmentalists) to determine a fair, equitable and workable solution within the laws of the country and for the best interest of the resources involved.

Knowledge of the Fish & Wildlife Service--as Special Assistant for the past 3 years, which required being knowledgable about all programs of the Service.

Military Experience--Commander, United States Naval Reserve

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Presently a career employee of the U.S. Fish and Wildlife Service.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

Presently a career employee of the U.S. Fish and Wildlife Service.

3. Has anybody made a commitment to you for a job after you leave government?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

Not appointed for a fixed term.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

I know of no limitations

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

Schedule C--Staff Director, Federal Regional Council VIII; Council Close 1982----Special Assistant, Director of Fish and Wildlife Service, Denver, 1983, transferred to a career position.

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

NONE

3. Are any assets pledged? (Add schedule).

NONE

4. Are you currently a party to any legal action?

NO

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

YES

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

Yes, 1977. No change in tax return as a result of audit.

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

NONE

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

NONE

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

NONE

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

NOT APPLICABLE

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I do not foresee any potential conflicts. Please see Ethics Officer's letter which is attached.

Political affiliation and activities: List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

Executive Secretary, Montana Republican Central Committee--1980 to 1981

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

Speech--The Titanic Revolution

Publications--In The Middle

--Montana Outdoors

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

Not to my knowledge

2. Do you agree to appear before all Congressional Committees which seek your testimony?

YES

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

Not at this time

AFFIDAVIT

Frank H. Dunkle) ss, being duly sworn, hereby states that he/~~she~~ has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/~~her~~ knowledge and belief, current, accurate, and complete.

Frank H. Dunkle

Subscribed and sworn before me this 14th day of April, 1986.

SEAL

Juris A. Egle
Notary Public

my commission expires 11-25-88